

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID LADNER, et al.,
Plaintiffs,

1:05-CV-771
(NAM/DRH)

v.

SUPER STEEL SCHENECTADY, INC.,
et al.,
Defendants.

APPEARANCES:

Walter A. Lesnevich, Esq.
350 Fifth Avenue
Suite 4400
New York, NY 10118-0110
Attorney for Plaintiffs

Kevin E. Hulslander, Esq.
Smith, Sovik Law Firm
250 South Clinton Street
Suite 600
Syracuse, NY 13202-1252
Attorney for Defendants

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 19th day of June, 2006. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

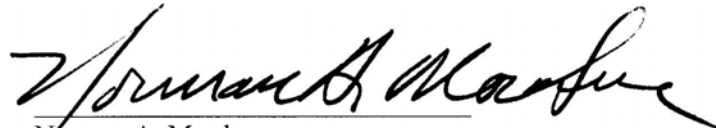
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The complaint in this action is dismissed with prejudice for the repeated failure of plaintiff David Lander to appear for deposition without good cause.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: July 6, 2006
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge